

EXHIBIT 23

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RILEY JOHANNESSEN, DANIEL C.
BADILLA, JAMES KELLEY,
RONALD KRANS, KEVIN R.
WONDERS, WILLIAM BATES,
JAMES PINION, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

POLARIS INDUSTRIES, INC.,

Defendant.

CLASS ACTION

CASE NO. 16-cv-03348

PLAINTIFFS' NOTICE OF TAKING DEPOSITION

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs will take the deposition of Defendant Polaris Industries, Inc., at the law offices of **LOCKRIDGE GRINDAL NAUEN PLLP**, 100 Washington Avenue South Suite 2200, Minneapolis, MN 55401, on December 18, 2017, at 9:00 am before a notary public or before some other officer authorized by law to administer oaths, and before a videographer.

Oral examination will continue from day to day until completed.

Defendant is to designate one or more officers, directors, managing agents, or other persons to testify on its behalf as to matters known or reasonably available to Defendant considering the subject matters set forth below.

DEFINITIONS

1. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories all responses that might otherwise be construed to be outside of its scope.

2. “Any” shall include and encompass the words “each” and “all.”

3. “Communication” shall mean any conversation, discussion or meeting, or any written, verbal, electronic or other presentation, disclosure, receipt, transfer, transmittal, or exchange of facts, ideas, information, inquiries, or opinions, however affected.

4. “Concerning” shall mean relating to, referring to, describing, evidencing, or constituting.

5. “CPSC” means the Consumer Product Safety Commission.

6. “Document” shall be construed in its broadest sense and shall include, but not be limited to, any and all tangible things, whether handwritten, printed, typed, or otherwise visually reproduced, electronically recorded or orally recorded, including all originals, drafts, revisions, copies, non-identical copies, and markups of drafts. The term “document” specifically includes, but is not limited to: agreements, communications, including intra-company communications, letters, facsimile transmissions, telegrams, telephone bills and records, cables, records, books, summaries or records of personal conversations or interviews, presentations with attachments; meeting agenda’s, meeting attendance sheets, forecasts, statistical statements, accountants' work papers, brochures, pamphlets, circulars, press releases, contracts, telephone messages, slips and logs, diary entries, electronic mail, calendars, reports, evaluations, assessments, analyses, test results, correspondence, memoranda, notes, videotapes, video cartridges, audio tapes, electronic recordings of any kind, drawings, graphics, graphs, maps, diagrams, charts, photographs, computer diskettes and disks, tables, indices, recordings, tapes, microfilms, minutes or records of meetings, reports of

investigations, opinions or reports of consultants, and any other data compilation from which information can be obtained and translated through detection devices into reasonably usable form.

7. Electronic documents shall be produced pursuant to an ESI protocol agreed to by the parties.

8. “Exhaust Heat Defect” or “Exhaust heat issues” shall mean issues related to the exhaust pipes on the Sportsman ATV as discussed in the operative Complaint. This includes but is not limited to excessive heat; fires; exhaust pipes glowing or becoming hot; fenders, seats, seat brackets or other components melting, deforming, or requiring replacement; and complaints from riders of excess heat or burns.

9. “Footwells” is intended to mean the place where a rider places his or her foot when riding the Sportsman ATV.

10. “Heat Shield Kit” refers to the parts provided by Polaris for increasing shielding of the Sportsman ATV exhaust system, including but not limited to part #2876773.

11. “Heat Management Kit” refers to the kit discussed in POL_SPT_R_00000097.

12. “Left Side Body Panels” is intended to mean all body panels affixed to the Sportsman ATV which are attached left of the centerline of the ATV as the operator sits on same.

13. “Parts Guide” refers to any guide created by Polaris that lists replacement parts for the Sportsman ATVs.

14. “Polaris” shall include Polaris Industries, Inc., and all of its subsidiaries, divisions and affiliates, and any of their directors, officers, employees, consultants, agents, representatives and attorneys therefore, and/or any other persons or entities purporting to act on behalf of Polaris and/or under any or all of Polaris’ control.

15. “Right Side Body Panels” is intended to mean all body panels affixed to the Sportsman ATV which are attached right of the centerline of the ATV as the operator sits on same.

16. “Right Hand Side Panel Close Off Kit” shall be the kit identified in POL_SPT_RJ_00000256.

17. “Seat Retention Kit” refers to the parts provided by Polaris to repair or replace seats on the Sportsman ATV seat, including, but not limited to part #2204682.

18. “Sportsman ATV” shall mean any ATV sold by Polaris under the brand name Sportsman.

19. “Trouble Shooting Guide” shall refer to any manual describing or identifying problems with their Sportsman ATV.

20. “Warranty Data” refers to any claims made under the Sportsman ATV express warranty, whether or not Polaris accepted the cost of repair.

21. “You” or “Your” shall mean the party or parties to whom this Request for Production is addressed, including its divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, and all other persons acting or purporting to act on its behalf.

TOPICS

1. The design, validation, and evaluation of the exhaust system of Sportsman ATVs from 2009 to 2016 regarding the thermal issues, including identifying the different engineers or groups of engineers responsible for the different systems on a Sportsman ATV.

2. The design, testing, purpose, and sales of the “Heat Shield Kit”, the “Seat Retention Kit”, the “Heat Management Kit”, and the “Right Hand Side Panel Close Off Kit” used in Polaris Sportsman ATV models.

3. The March 2017 recalls of the Sportsman ATV 850 and 1000 models, including POL_SPT_RJ_00000077, discussions with the CPSC, and the creation of any kits, repairs, or design changes to the Sportsman ATVs.

4. The 2016 TSBs regarding the fuel rail wear issues on the Sportsman ATV 570 models.
5. The instructions and directives to Customer Relations Management or Ask Polaris personnel regarding thermal issues and their Sportsman ATV.
6. Warranty fulfillment or denial regarding Sportsman ATVs, including repairs, refunds, and returns, including the documents produced at POL_SPT_RJ0000024, and POL_SPT_RJ00000459.

DATED: October 31, 2017

Respectfully submitted,

Douglas McNamara

Karen Hanson Riebel
LOCKRIDGE GRINDAL NAUEN PLLP
100 Washington Avenue South
Suite 2200
Minneapolis, MN 55401
Telephone: 612-596-4097
Facsimile: 612-339-0981
khriebel@locklaw.com

Theodore J. Leopold
COHEN MILSTEIN SELLERS & TOLL PLLC
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, FL 33410
Telephone: (561) 515-1400
Facsimile: (561) 515-1401

Andrew N. Friedman (admitted pro hac vice)
Douglas J. McNamara (admitted pro hac vice)
Eric A. Kafka (admitted pro hac vice)
COHEN MILSTEIN SELLERS & TOLL PLLC
1100 New York Ave. NW
East Tower, 5th Floor
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699

Robert Gordon, Esq
Steven Calamusa, Esq. (admitted pro hac vice)
GORDON & DONER, P.A.
4114 Northlake Blvd.,
Palm Beach Gardens, FL 33410
Telephone: (561) 799-5070
Facsimile: (561) 799-4050

Attorneys for Plaintiffs